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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

DONALD McNAMEE,

Plaintiff,

vs.

FREEMAN DECORATING SERVICES,
INC., a Texas corporation,

Defendant.

Case No.: 2:10-cv-01294-GMN-PAL

JOINT STATUS REPORT

TO: The Honorable PEGGY A. LEEN, United States Magistrate Judge

Pursuant to the Minutes of Proceedings (Document 41), issued on May 11, 2012, the parties to this action jointly submit this Status Report to apprise this Court as to the progress that has been made to finalize the confidential settlement that was reached in this matter.

Although the parties do have progress to report, the matter has not yet been finalized with Medicare authorities. Shortly after the previous teleconference on this matter, the Medicare Secondary Payor Recovery Contractor (MSPRC) issued its preliminary determination which stated, "To date, Medicare has not paid any claims that currently appear related to the beneficiary's pending settlement, judgment, or award for the above-referenced matter." This was sent to Defendant Freeman Decorating Services, Inc., and a copy was sent to Plaintiff Mr. McNamee. However, Freeman's receipt and processing was delayed because Freeman's letter was sent by the MSPRC to

1 an erroneous address. Although Freeman has not yet received the letter from the MSPRC, a copy
2 was provided by Mr. McNamee. The MSPRC had asked Freeman to complete an attached "Final
3 Settlement Detail Document." This document is what the MSPRC will base its final determination
4 as to whether it will assert a claim for some or all of the settlement amount.

5 The parties are awaiting completion of the processing of the Final Settlement Detail
6 Document. The parties, therefore, ask that this matter be set for a status check in 60 days.

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8 DATED: July 10, 2012.

DATED: July 10, 2012.

9 LAW OFFICES OF ROBERT P. SPRETNAK

LITTLER MENDELSON

10 By: /s/ Robert P. Spretnak
11 Robert P. Spretnak, Esq. (Bar No. 5135)

By: /s/ Bruce C. Young
Bruce C. Young, Esq. (Bar No. 5560)

12 Attorney for Plaintiff

Attorneys for Defendant


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16 **ORDER**

17 IT IS ORDERED that a telephonic status check is scheduled for **Monday,**
18 **September 10, 2012, at 4:00 p.m.** Plaintiff's counsel shall plan for and initiate the
19 conference call to chambers. If a stipulation to dismiss is filed before the status check
is to take place, then the status check will be automatically vacated.

20 DATED this 16th day of July, 2012.

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22 Peggy A. Leen
United States Magistrate Judge
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